
March 2023

### Description

# U.S. Export Control

***Satellites Get New Considerations***



- Deputy Secretary of Commerce Don Graves recently addressed the Satellite 2023 Government and Military Forum to report on progress made toward the Commerce Department's plans to commercialize the space industry over the previous year by focusing on five key areas: coordinating regulatory functions, growing the customer base for U.S. commercial space services and goods, improving safety and sustainability, promoting innovation, and the advancement of Earth observation capabilities.

- *Why It Matters to You:* Satellite license applicants who have been denied the ability to export satellites and components due to the suitability of the launch vehicle in which they will be housed will be granted case-by-case consideration, and a speedier process; Deputy Secretary Graves reported a 20% improvement to speed and efficiency across the application process since last year's rewriting of NOAA regulations pertaining to Earth imaging satellites. These regulatory changes could provide opportunities for commercial successes to the tune of hundreds of millions of dollars in export potential. The Commerce Department encourages applicants to contact BIS for more information on any effects to their applications.

***Potential Export Reform on the Horizon for AUKUS***

- On March 22nd, the House passed bill 393-4. The measure would direct the Pentagon and State Department to provide necessary information to Congress pertaining to licensing requirements for defense exports which will enable collaboration with the U.K. and Australia as they explore quantum tech, AI, and hypersonic weapons. The bill passed amid concerns in the private sector about the potential for violations of the U.S. International Traffic in Arms Regulations (ITAR).

- *Why It Matters to You*: The requested information is critically necessary to help the three countries fill in any bureaucratic gaps which would impede the transfer of U.S. and U.K. nuclear

subs to Australia over the next twenty years.

# Government Contracting

***New Office and SBIC Collab Allows Pentagon to Use Credit***

- Unlike other departments, the Pentagon can't run its own federal credit program to boost private sector investments. It was to this end that the Office of Strategic Capital (OSC) was formed. In conjunction with the Small Business Administration's Small Business Investment Company (SBIC), the three-month-old Office can legally leverage the government's credit to guarantee loans. As of publishing, OSC is not yet accepting applications, as it is still in what it is referring to as the "start-up phase". The SBIC has the credit authority here; there is no Title X authority which would grant this power to the Office of Strategic Capital, which is what makes the collaboration imperative to the goals and needs of the OSC.

- *Why It Matters to You:* Of note is the uncertain future of the new office's potential to ever run credit programs. It could be years before sufficient groundwork is laid toward that end, and there is no guarantee that we will ever see a path forward. However, the Pentagon must be feeling the pressure to up investment in new tech, similarly to the time of the Sputnik launch, as China pours heavy funding into artificial intelligence and hypersonics projects and research.



# NTIA

***NTIA Asks for Industry Feedback on Spectrum Access***

- The NTIA has released a request for comment for industry input as it endeavors to identify ***at least 1,500 megahertz of spectrum*** for in-depth study to determine whether that spectrum can be repurposed to allow more intensive use, including for "Next-generation satellite communications and other space-based systems."

- *Why It Matters to You:* Long time readers will probably already know, but many new space systems rely on government spectrum and must navigate lengthy, opaque coordination procedures in order to get access to these frequency bands. The NTIA is offering an infrequent opportunity for industry to ask for better, sustainable access to spectrum that is currently allocated for government use. Any stakeholder that uses UHF, S-band, or X-band or seeks to operate radars on-orbit should strongly consider submitting a comment. 1.5 GHz of spectrum is ***a lot*** of spectrum

# National Space Council

***Space Council Deadline Passes***

- There is very clearly a lot of interest surrounding the regulation of novel space and on-orbit activities but the way forward is still in intense deliberation. The National Space Council's March

2023 deadline is now set to pass without the issuance of recommendations for new regulatory schemes for space.

- *Why It Matters to You*: Many companies are hoping the NSC and the executive branch develop new approaches to commercial mission authorizations. However, at the moment the only U.S. Government agency moving quickly to respond to the space industry's needs is the FCC, with its ongoing ISAM and Part 25 proceedings seeking to modify the existing rules to reflect the growth and diversity of services being offered in space. This is worth bearing in mind when space companies debate where to commit resources for advocacy and policy changes.

# Space Situational Awareness

### *US*

- Space Command's Chief of Strategic Engagement, Colonel Ted Hanger, recently spoke about the U.S. strategy behind sharing space situational awareness resources with other countries. Col. Hanger emphasized that the U.S. is trying to collaborate more with other nation states and building a coalition of states that can collaborate and communicate regarding space situational matters. However, this coalition is being built with the expectation that other space powers will not participate and maybe adopt an adversarial posture to the group.



- *Why It Matters to You*: Space is quickly becoming a geopolitical theater and environmental awareness in space will be a critical strategic tool as nation states jockey for power. While it would be ideal for there to be alignment in the international community on issues like space traffic management and to enable the free flow of information regarding potentially hazardous debris, operators in space need to be aware that a number of nation states will likely not participate in any U.S. led coalition. These administrations and their spacecraft will undoubtedly operate under different rules than those put forward by the U.S. and its allies. The reality of different rules for the road, so to speak, will present operational and coordination challenges for operators as these international regulatory paths diverge and LEO becomes more congested.

### *Japan*

- Tokyo company ispace developed a lunar lander that entered orbit around the moon in the evening of March 20th. The company has confirmed that the orbital maneuver was successful, and they will attempt a lunar landing by the end of April. ispace is now positioned to become the first commercial company to successfully land on the moon.

- *Why It Matters to You:* The era of a commercial lunar presence has begun and there is likely no turning back. Lockheed Martin recently filed for its own lunar satellite network as well as frequency use to facilitate human landings and communication on the lunar surface. Commercial operations on the moon, from exploration to exploitation (and even spectrum use) is obviously unprecedented. It will be worth monitoring how Japan and the U.S. govern their private sector's commercial moon missions and how other countries will respond.

### *India*

- UK-based OneWeb was able to launch a total of 72 broadband satellites through India's space agency, ISRO, through two recent missions backed by the support and facilitation of Indian Prime Minister Narendra Modi. These are the first commercial launches of India's LVM3, it's heaviest launch vehicle.

- *Why It Matters to You:* India and its space agency ISRO have demonstrated the ability to deliver launch, mass-intensive payloads with this launch to the commercial market. As launch capacity continues to be in short supply, the growth of ISRO's launch program bears monitoring. It will be interesting to see what other foreign commercial customers sign up for ISRO now that it has successfully executed the first OneWeb launch and appears to be offering customers similar pricing to SpaceX.

# Launch News

### ***SpaceX***

- SpaceX had plans to launch a group of 28 low Earth orbit satellites this morning aboard a Falcon 9 craft but, for reasons unknown, the launch was scrubbed with three seconds to liftoff. It is unclear at this time when another attempt will be made. The satellites aboard the Falcon 9 were part of an ongoing plan to methodically build a proliferated LEO constellation for communications and defense purposes. The first group, Tranche 0, is intended to test the viability of quick turn-around from planning to actualization for future groups.
- *Why It Matters to You:* The space race marches on, and there is good reason to have a solid understanding of the speed with which missile detection and defense comm equipment can be made and utilized in low orbit. The current timeline sits at about 2.5 years, and we can expect testing and calibrations from the eventual launching of Tranche 0 in a matter of weeks from takeoff.



### ***Relativity***

- Relativity's Terran 1 Launch was temporarily halted over a "fouled range". With just 1:09 left in the countdown, a boat crossed into the protected range of the launch, causing Relativity to temporarily halt proceedings.

- *Why It Matters to You:* The FAA and the U.S. Coast Guard both take water safety seriously, especially in high-traffic areas like Cape Canaveral. Delays such as this one may make other launch location options such as the Spaceport Company more attractive for launch companies in the future.

# NEW BLOG

- ACSP has a new Blog! Join John T. Gordon, our resident blogger, as he thoroughly explores the space industry with his in-depth insight and prose.
- Read his latest piece: Trouble on the Water: What Regulations Made Relativity Put History on Hold Over a Boat?

## ACSP Partnerships




Bailey Reichelt will be speaking at the @Export Compliance Training Institute (ECTI) ITAR, EAR, and OFAC Export Controls Seminar on June 19-22, 2023, in Washington, DC. For more details and registration information, visit: https://hubs.ly/Q01sRmPT0 and use discount code atl10 at checkout for ten percent off. We look forward to seeing you there!